

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): **Keith A. Raniere**

Examiner: **Robert J. Utama**

Appl. No.: **10/631,279**

Grout Art Unit: **3714**

Filed: **07/31/2003**

Docket No.: **FIRS-2992**

Title: **METHOD AND APPARATUS FOR IMPROVING PERFORMANCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. 1.131

I, applicant in the above-identified patent application, declare as follows:

1. That I am an applicant of the above-identified patent application, and inventor of the subject matter described and claimed therein.
2. That prior to July 29, 2003, I conceived of a method and apparatus for determining if a subject is trainable with respect to the performance of a given activity; determining a point of efficiency of the subject with respect to at least one parameter; and training the subject at or near the point of efficiency with respect to a state of accommodation until a state of inefficiency with respect to the at least one parameter or exhaustion occurs.
3. That prior to July 29, 2003, I conceived of a method and apparatus for providing a performance system; activating the performance system; recording at least one parameter of the performance system; measuring at least one parameter of a subject; determining an at least one point of efficiency parameter with respect to a state of accommodation by changing the at least one parameter of the performance system until the at least one parameter of the subject

substantially changes beyond a given tolerance function; and training the subject at or near the point of efficiency so the duration the subject can maintain the point of efficiency changes.

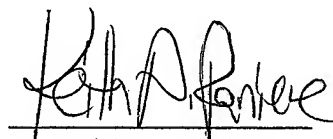
6. That said conception prior to July 29, 2003 is evidenced by the submitted draft of the application (Exhibit "A") last modified and reviewed by me prior to July 29, 2003 which contains the invention described in the patent application named above.

7. That, subsequent to the conception of the method and apparatus for improving performance, and up until the patent application filing date of July 31, 2003, I diligently and actively assisted with the planning, preparation, review, and filing of the above-identified patent application.

Declarant further states that the above statement were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Date:

3/14/07



Keith A. Raniere